ENROLLED

COMMITTEE SUBSTITUTE

FOR

House Bill No. 4383

(By Delegates Stemple, Williams, Webster, Shaver, Perry and Varner)

Passed March 7, 2008

In Effect Ninety Days from Passage
AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-3-32, all relating to fire marshal service weapons; providing for awarding service weapon to any active or retired state fire marshal, a deputy fire marshal or assistant fire marshal; and providing for the sale of service weapon when taken out of service due to routine wear.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §29-3-32, to read as follows:

ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.

§29-3-32. Awarding service weapon upon retirement of fire marshal or service weapon.
(a) Upon the retirement of a state fire marshal, any full-time deputy fire marshal or any full-time assistant fire marshal employed by the state fire marshal pursuant to section eleven of this article, the State Fire Commission shall award to the retiring member his or her service weapon, without charge, upon determining:

(1) That the retiring member is retiring honorably with at least twenty years of service; or

(2) The retiring member is retiring with less than twenty years of service based upon a determination that the member is totally physically disabled as a result of his or her service with the state fire marshal.

(b) Notwithstanding the provisions of subsection (a) of this section, the State Fire Commission may not award a service weapon to any member whom the State Fire Commissioner finds to be mentally incapacitated or who constitutes a danger to any person or the community.

(c) If a service weapon is taken out of service due to routine wear, the fire marshal may offer the service weapon for sale to any active or retired state fire marshal, assistant state fire marshal or deputy state fire marshal, at fair market value, with the proceeds from any sales used to offset the cost of new service weapons. The disposal of service weapons pursuant to this subsection does not fall within the jurisdiction of the purchasing division of the department of administration.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this th day of , 2008.

Governor
PRESENTED TO THE GOVERNOR

MAR 1 & 2008

Time 9:30 AM